

Highly Confidential - Subject to Further Confidentiality Review

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

CITY OF HUNTINGTON,
WEST VIRGINIA,

Plaintiff,

vs.

CASE NO. 3:17-cv-01362

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

CABELL COUNTY COMMISSION,

Plaintiff,

vs.

CASE NO. 3:17-cv-01665

AMERISOURCEBERGEN DRUG
CORPORATION, et al.,

Defendants.

HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
CONFIDENTIALITY REVIEW
WITNESS: TODD DAVIES, Ph.D.

The remote videotaped deposition of Todd Davies, Ph.D. was remotely taken before Janine N. Leroux, Stenographic Court Reporter on Tuesday, July 28, 2020, commencing at the approximate hour of 8:14 a.m. Said deposition was taken for purposes of discovery, for use at trial, or for such other purpose under the Federal Rules of Civil Procedure.

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<p style="text-align: center;">Page 2</p> <p>1 APPEARANCES: 2 DAVID BURNETT, ESQUIRE 3 ANNE KEARSE, ESQUIRE 4 MONIQUE CHRISTENSON, ESQUIRE 5 MOTLEY RICE LLC 6 28 Bridgeside Boulevard 7 Mount Pleasant, South Carolina 29464 8 akearse@motleyrice.com 9 dburnett@motleyrice.com 10 mchristenson@motleyrice.com</p> <p>11 APPEARING REMOTELY ON BEHALF OF THE PLAINTIFFS 12 SHANA E. RUSSO, ESQUIRE 13 REED SMITH LLP 14 506 Carnegie Center 15 Suite 300 16 Princeton, New Jersey 08540 17 strusso@reedsmit.com</p> <p>18 APPEARING REMOTELY ON BEHALF OF AMERISOURCEBERGEN 19 JOEL P. JONES, JR., ESQUIRE 20 CAMPBELL WOODS, PLLC 21 1002 Third Avenue 22 Huntington, West Virginia 25719 23 joeljones@campbellwoods.com</p> <p>24 APPEARING REMOTELY ON BEHALF OF TODD DAVIES, Ph.D. 25 CLAYTON BAILEY, ESQUIRE COVINGTON & BURLING, LLP One CityCenter 850 Tenth Street, NW Washington, DC 20001 cbailey@cov.com</p> <p>26 ALSO APPEARING REMOTELY: 27 DEVYN MULHOLLAND, VIDEOGRAPHER 28 ALYSSA CONN</p>	<p style="text-align: center;">Page 4</p> <p>1 EXHIBITS CONTINUED 2 AMERISOURCEBERGEN'S FOR IDENTIFICATION 3 Exhibit No. 14 Corrected Joint and 164 Third Amended Complaint 4 Exhibit No. 15 Dr. Davies' LinkedIn Page 175 5 Exhibit No. 16 05/01/19 Email 216 6 GCSAPT_FEDWV_00007405 - 7407</p>																																																				
<p style="text-align: center;">P</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;">INDEX</th> <th style="width: 50%;">PAGE</th> </tr> </thead> <tbody> <tr> <td>1 WITNESS: TODD DAVIES, Ph.D.</td> <td></td> </tr> <tr> <td>2 DIRECT EXAMINATION</td> <td></td> </tr> <tr> <td>3 By Mr. Burnett</td> <td>6-134</td> </tr> <tr> <td>4 DIRECT EXAMINATION</td> <td></td> </tr> <tr> <td>5 By Ms. Russo.....</td> <td>134-241</td> </tr> <tr> <td>6 REPORTER'S CERTIFICATE (Read & Sign).....</td> <td>243-245</td> </tr> <tr> <td colspan="2"> E X H I B I T S</td> </tr> <tr> <td colspan="2">PLAINTIFF'S FOR IDENTIFICATION</td> </tr> <tr> <td>10 Exhibit No. 1 Dr. Davies' Research Interests</td> <td>9</td> </tr> <tr> <td>11 Exhibit No. 2 Dr. Davies' Biosketch</td> <td>9</td> </tr> <tr> <td>12 Exhibit No. 2A Dr. Davies' Curriculum Vitae</td> <td>182</td> </tr> <tr> <td>13 Exhibit No. 3 PROACT Document</td> <td>42</td> </tr> <tr> <td colspan="2">MarshallHealth-00000001 - 07</td> </tr> <tr> <td>14 Exhibit No. 4 Native Document Coversheet</td> <td>73</td> </tr> <tr> <td colspan="2">MarshallHealth-00002227</td> </tr> <tr> <td>15 Exhibit No. 5 Exposed Births/NAS - List</td> <td>73</td> </tr> <tr> <td>16 Exhibit No. 6 Addictive Behaviors - Article</td> <td>89</td> </tr> <tr> <td>17 Exhibit No. 7 Novel Withdrawal Symptoms</td> <td>102</td> </tr> <tr> <td>18 Exhibit No. 8 Polydrug Abuse - Article</td> <td>103</td> </tr> <tr> <td>19 Exhibit No. 9 Management Strategy - Article</td> <td>105</td> </tr> <tr> <td>20 Exhibit No. 10 Opioid Use Disorder - Chart</td> <td>109</td> </tr> <tr> <td>21 Exhibit No. 11 OUD Population - Chart</td> <td>115</td> </tr> <tr> <td>22 Exhibit No. 12 West Virginia Overdose Deaths - Chart</td> <td>121</td> </tr> <tr> <td>23 Exhibit No. 13 Marshall MAT-LINK Project App</td> <td>129</td> </tr> <tr> <td colspan="2">MarshallHealth-00000693 - 717</td> </tr> </tbody> </table>	INDEX	PAGE	1 WITNESS: TODD DAVIES, Ph.D.		2 DIRECT EXAMINATION		3 By Mr. Burnett	6-134	4 DIRECT EXAMINATION		5 By Ms. Russo.....	134-241	6 REPORTER'S CERTIFICATE (Read & Sign).....	243-245	 E X H I B I T S		PLAINTIFF'S FOR IDENTIFICATION		10 Exhibit No. 1 Dr. Davies' Research Interests	9	11 Exhibit No. 2 Dr. Davies' Biosketch	9	12 Exhibit No. 2A Dr. Davies' Curriculum Vitae	182	13 Exhibit No. 3 PROACT Document	42	MarshallHealth-00000001 - 07		14 Exhibit No. 4 Native Document Coversheet	73	MarshallHealth-00002227		15 Exhibit No. 5 Exposed Births/NAS - List	73	16 Exhibit No. 6 Addictive Behaviors - Article	89	17 Exhibit No. 7 Novel Withdrawal Symptoms	102	18 Exhibit No. 8 Polydrug Abuse - Article	103	19 Exhibit No. 9 Management Strategy - Article	105	20 Exhibit No. 10 Opioid Use Disorder - Chart	109	21 Exhibit No. 11 OUD Population - Chart	115	22 Exhibit No. 12 West Virginia Overdose Deaths - Chart	121	23 Exhibit No. 13 Marshall MAT-LINK Project App	129	MarshallHealth-00000693 - 717		<p style="text-align: center;">Page 5</p> <p>1 THE VIDEOGRAPHER: We are now on the record. My name is Devn Mulholland. I'm a videographer with Golkow Litigation Services. Today's date is July 28th, 2020. The time is 8:14 a.m. Eastern Time.</p> <p>2 This remote video deposition is being held in the matter of Opioid Litigation, City of Huntington, West Virginia vs. AmerisourceBergen, et al. The deponent is Todd Davies, Ph.D.</p> <p>3 All parties to this deposition are appearing remotely and have agreed to the witness being sworn in remotely. Due to the nature of remote reporting, please pause briefly before speaking to ensure all parties are heard completely.</p> <p>4 Counsel will be noted on the stenographic record. The court reporter is Janine Leroux and will now swear in the witness.</p> <p>5 THE COURT REPORTER: Raise your right hand, please. Do you swear or affirm to tell the truth, the whole truth, nothing but the truth?</p> <p>6 THE WITNESS: I do.</p>
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<p style="text-align: center;">Page 38</p> <p>1 And you referred to MAT, or medically 2 assisted treatment I believe is -- is the term, is 3 that right? 4 A Medication-assisted treatment. 5 Q Right. What is medication-assisted 6 treatment? 7 A So when you -- when you -- when folks 8 are treated with addictions, so we look at the 9 treatment, and the treatment is the psychosocial, 10 it's -- it's the cognitive behavioral therapy. 11 It's the, you know, recreation of healthy social 12 systems. It's all of the behavior -- you know, 13 opioid use disorder, substance use disorder are 14 behavioral health issues. And so it's that 15 behavioral health portion is the treatment. 16 Now, some folks have trouble 17 stabilizing their dopamine system. So if you 18 don't have a healthy dopamine system, then it -- 19 it's hard to be receptive to cognitive behavioral 20 therapy. There's the high -- you know, high level 21 of relapse for -- for those individuals, and so 22 what you have is either methadone or buprenorphine 23 is used. They're opiates. They're -- methadone 24 is an agonist/antagonist. Buprenorphine is a 25 partial agonist/partial antagonist. Or you have</p>	<p style="text-align: center;">Page 40</p> <p>1 MET resources in the Cabell Huntington area? 2 A I am fairly familiar, yes. 3 Q Just, you know, broadly speaking, 4 what -- what are -- what are the main avenues to 5 obtain MAT locally? 6 A Well, you've got PROACT, which is 7 the -- which is a collaboration between Marshall 8 Health and Valley Health where you get a 9 buprenorphine MAT. There's the Huntington 10 Comprehensive Treatment Center where you can get 11 methadone or a buprenorphine MAT. I think both of 12 them provide some Vivitrol. There's -- there's a 13 couple of other agencies. 14 Recovery Point has just opened a 15 behavioral health center where they provide 16 Vivitrol-based medications, just the treatment. 17 Those are the primary sources. 18 Prestera Center, we can't forget them. 19 They're a licensed behavioral health center in -- 20 in the community. They provide I think all three 21 MAT depending on -- on the -- on the sources. 22 Although their specialty is really the compound 23 issues where people have multiple behavioral 24 health issues. 25 Q Okay. And based on your understanding,</p>
<p style="text-align: center;">Page 39</p> <p>1 Vivitrol, which is an antagonist opioid therapy, 2 that you use to help stabilize these patients in 3 terms of their dopamine system, so the cognitive 4 behavioral therapy is more effective. 5 Q Okay. So to summarize then, MAT is one 6 way of addressing opioid use disorder? 7 A It's a pharmacologically-assisted 8 treatment for opioid use disorder. 9 Q Right. In your opinion, is MAT 10 effective in treating opioid use disorder? 11 A Well -- and, you know -- yeah. 12 MR. JONES: Before you move on, this 13 isn't necessarily an objection but an 14 observation. You know, Dr. Davies is here as 15 a fact witness. He's not a retained expert. 16 MR. BURNETT: Yeah. Yeah. 17 MR. JONES: He's not here to opine on 18 expert matters for trial purpose. So -- 19 MR. BURNETT: Sure. That's fair. 20 MR. JONES: -- if you can, let's try and 21 just keep it to fact matters to the best -- 22 the best of our ability. 23 MR. BURNETT: That's fair. Yep. 24 BY MR. BURNETT: 25 Q Dr. Davies, are you familiar with local</p>	<p style="text-align: center;">Page 41</p> <p>1 is it fair to say that those outlets need more 2 resources so they are able to provide more care to 3 more people? 4 A Well, I mean I'm not in their books, 5 but they all say they do. 6 Q Right. Okay. So in addition to 7 providing MAT, do those outlets also provide 8 counseling and other forms of therapy? 9 A Of course. I mean that's -- you can't 10 have MAT without counseling. 11 Q Right. Okay. Is it your view that 12 there is an opioids epidemic in the Cabell 13 Huntington area currently? 14 MS. RUSSO: Objection to form. 15 THE WITNESS: I don't know, what is 16 that? 17 MR. JONES: Defense counsel objected to 18 the form of the question, but you can answer 19 the question. 20 THE WITNESS: Okay. Sorry. 21 A I just -- well, I mean it -- you have 22 to -- first, you have to define what -- what 23 epidemic is, right? 24 Q Sure. 25 A Is there a -- is there a -- a higher</p>

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<p style="text-align: center;">Page 242</p> <p>1 THE VIDEOGRAPHER: Going off the record. 2 The time is 2:20 p.m. 3 (Thereupon, the deposition 4 concluded at 2:20 p.m.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: center;">Page 244</p> <p>1 I, _____, state that I have 2 read the foregoing examination under oath and that 3 it is a true and complete transcript of the 4 testimony given by me on July 28th, 2020 together 5 with corrections, if any, on the attached errata 6 sheet. 7 8 9 _____ 10 11 STATE OF _____ 12 COUNTY OF _____ 13 14 15 Signed before me on this the _____ day of 16 _____, 2020. 17 My commission expires: 18 19 20 _____ 21 22 23 24 25</p>
<p style="text-align: center;">Page 243</p> <p>1 2 CERTIFICATE 3 4 I, JANINE N. LEROUX, Court Reporter and 5 Notary Public, certify that the facts 6 stated in the caption hereto are true, and 7 that at the time and place stated in said caption 8 the witness named in the caption hereto remotely 9 appeared before me. 10 11 I further certify that after being duly 12 sworn by me the witness was examined by counsel 13 for the parties, and that said testimony was taken 14 in stenotype by me and later reduced to 15 computer-aided transcription, and that the 16 foregoing is a true record of the testimony given 17 by said witness. 18 19 The foregoing deposition has been 20 submitted to the witness for reading and signing. 21 22 23 24 _____ 25 JANINE LEROUX - COURT REPORTER 24 NOTARY PUBLIC 25 MY COMMISSION EXPIRES: NOVEMBER 26, 2023</p>	<p style="text-align: center;">Page 245</p> <p>1 ERRATA SHEET 2 WITNESS: TODD DAVIES, Ph.D. 3 4 Page/Line Change/Reason 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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